

ELITRA.001C1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zyskind et al. )  
App. No. : 10/771,241 )  
Filed : February 3, 2004 )  
For : GENES IDENTIFIED AS REQUIRED )  
FOR PROLIFERATION IN )  
ESCHERICHIA COLI )  
Examiner : Unknown )

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ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer**

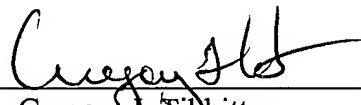
App. No. : 10/771,241  
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No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ELITRA PHARMACEUTICALS, INC.

Dated: 6/10/04

By:   
Gregory J. Tibbitts

Title: Chief Financial Officer

Address: 10410 Science Center Drive  
San Diego, California 92121

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060304

**COPY  
DO NOT RECORD**

**ASSIGNMENT**

WHEREAS, We, Judith Zyskind, a United States citizen, residing at 8514 La Jolla Scenic Drive, La Jolla, California 92047, and Allyn R. Forsyth, a United States citizen, residing at 1135 Beryl Street, San Diego, California 92109, have invented certain new and useful improvements in a GENES IDENTIFIED AS REQUIRED FOR PROLIFERATION IN ESCHERICHIA COLI for which we have filed an application for Letters Patent in the United States, Application No. 10/771,241, Filed on February 3, 2004;

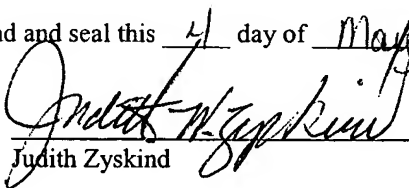
AND WHEREAS, ELITRA PHARMACEUTICALS, INC. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 10410 Science Center Drive, San Diego, California 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE DO HEREBY sell, assign, transfer, and convey to ASSIGNEE, his successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said Letters Patent before or after issuance.

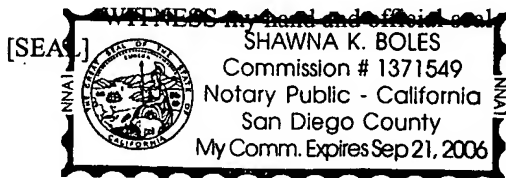
AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

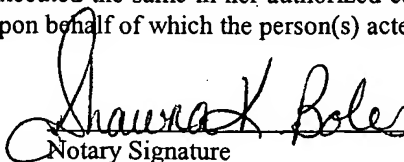
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 4 day of May, 2004

  
Judith Zyskind

STATE OF California }  
COUNTY OF San Diego } ss.

On 5/4/04, before me, Shawna K Boles, personally appeared Judith personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



  
Notary Signature

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IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 27<sup>th</sup> day of May, 2004

Allyn R. Forsyth  
Allyn R. Forsyth

STATE OF California }  
COUNTY OF San Diego } ss.

On May 27, 2004, before me, Shawna K. Boles, personally appeared Allyn personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Shawna K. Boles  
Notary Signature

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